

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **02/10/2012**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Kevin Benish**

May Contact:

Drafter: **pkahler**

Subject: **Public Assistance - misc  
Econ. Development - housing  
Fin. Inst. - miscellaneous  
Veterans - housing loans**

Addl. Drafters: **agary  
mglass**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Various appropriations of GPR for foreclosure and housing purposes

---

### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/13/2012			_____			State
/1	mglass 02/14/2012	jdye 02/15/2012	jmurphy 02/15/2012	_____	lparisi 02/15/2012	lparisi 02/16/2012	State
/2	pkahler 02/17/2012	kfollett 02/17/2012	rschluet 02/17/2012	_____	sbasford 02/17/2012	ggodwin 02/17/2012	

FE Sent For:

*atinto*  
*3/7*

<END>

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/1	mglass 02/14/2012 pkahler	jdye 02/15/2012 12/17	jmurphy 02/15/2012 2/17		lparisi 02/15/2012	lparisi 02/16/2012	State

Please jacket "1/2" for the assembly and send to Rep. Mason

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<END>

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/1	mglass 02/14/2012	jdye 02/15/2012	jmurphy 02/15/2012	_____	lparisi 02/15/2012		

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	pkahler	2/15 jld	pm 2/15	g+pm 2/15			

FE Sent For:

<END>

**Kahler, Pam**

---

**From:** Benish, Kevin  
**Sent:** Friday, February 10, 2012 10:04 AM  
**To:** Kahler, Pam  
**Subject:** Re: Drafting Request: Foreclosure Assistance Bill (GRIGSBY)

Please do, thanks!

Sent from my iPhone

On Feb 10, 2012, at 10:03 AM, "Kahler, Pam" <[Pam.Kahler@legis.wisconsin.gov](mailto:Pam.Kahler@legis.wisconsin.gov)> wrote:

Kevin,

Can we speak to fiscal bureau about this draft?

---

**From:** LRB.Legal  
**Sent:** Friday, February 10, 2012 7:47 AM  
**To:** Kahler, Pam  
**Subject:** FW: Drafting Request: Foreclosure Assistance Bill (GRIGSBY)  
**Importance:** High

---

**From:** Benish, Kevin  
**Sent:** Thursday, February 09, 2012 6:10 PM  
**To:** LRB.Legal  
**Subject:** Drafting Request: Foreclosure Assistance Bill (GRIGSBY)  
**Importance:** High

Hello,

Our office would like to make the following bill draft request. This bill is of urgent need and should take priority for our office.

Please draft the following for introduction:

Take the 25.6 million GPR from the Banking Foreclosure Settlement that was deposited into the General Fund and do the following:

Provide 10 million GPR for emergency assistance grants to home owners facing foreclosure or natural disaster (TANF eligible).

1 Provide 10 million GPR in program grants offered by the Department of Financial Institutions in order to assist non-profit institutions and governmental bodies for the purpose of foreclosure mediation and foreclosure prevention.

2 Provide 3 million GPR to the Department of Veteran Affairs for administering grant programs to veteran organizations for the purpose of home foreclosure prevention or assisting homeless veterans.

- 3 Provide 1 million GPR to the Milwaukee Foreclosure Mediation Program.
- 4 Provide 1.6 million GPR to the Tenant Resource Center of Wisconsin.  
Require the Center to use these funds for home foreclosure prevention and for tenant mediation.
- 1 Require the Center to operate in statewide.
- 2 Require the Center to operate physical office locations in the top five counties with the highest foreclosure rates per capita.

Please contact me with any questions. Thank you,  
Kevin

**Kevin D. Benish**  
**Office of Representative Tamara Grigsby**  
**18th Assembly District**  
[kevin.benish@legis.wi.gov](mailto:kevin.benish@legis.wi.gov)  
(608) 266.0645  
1-888-534-0018 (toll free)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4078/P1insAG  
ARG:.....

~~relating clause insert:~~

*INS RELA*

) grants by the Department of Financial Institutions to assist nonprofit organizations and governmental bodies for the purpose of foreclosure mediation and foreclosure prevention, and making an appropriation,

**SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	<b>2011-12</b>	<b>2012-13</b>
--	----------------	----------------

**20.144 Financial institutions, department of**

(1) SUPERVISION OF FINANCIAL INSTITUTIONS,  
SECURITIES REG. AND OTHER FUNCTIONS

(b) Grants from national mortgage

settlement funds	GPR	B	10,000,000	-0-
------------------	-----	---	------------	-----

**SECTION 2.** 20.144 (1) (b) of the statutes is created to read:

20.144 (1) (b) *Grants from national mortgage settlement funds.* Biennially, the amounts in the schedule for the purpose of awarding grants under 2011 Wisconsin Act .... (this act), section 9117 (1).

**SECTION 3.** 20.144 (1) (b) of the statutes, as created by 2011 Wisconsin Act .... (this act), is repealed.

1           **SECTION 4.** 227.01 (13) (zz) of the statutes is created to read:

2           227.01 (13) (zz) Relates to grants awarded under 2011 Wisconsin Act .... (this  
3 act), section 9117 (1).

4           **SECTION 5.** 227.01 (13) (zz) of the statutes, as created by 2011 Wisconsin Act  
5 .... (this act), is repealed.

6  
7           **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

8           (1) GRANTS FROM NATIONAL MORTGAGE SETTLEMENT FUNDS.

9           (a) In this subsection:

10           1. "Department" means the department of financial institutions.

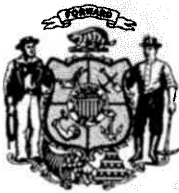
11           2. "Governmental body" has the meaning given in section 19.82 (1) of the  
12 statutes.

13           3. "Nonprofit organization" has the meaning given in section 108.02 (19) of the  
14 statutes.

15           (b) From the appropriation under section 20.144 (1) (b) of the statutes, as  
16 created by this act, in the 2011-2013 fiscal biennium, the department shall award  
17 grants to assist nonprofit organizations and governmental bodies for the purpose of  
18 foreclosure mediation and foreclosure prevention. To the extent possible, these  
19 grants shall be funded from this state's share of proceeds from the national mortgage  
20 settlement on or about February 9, 2012, that are deposited into the general fund.

21           (c) The department shall establish a form and procedure for grant applications,  
22 standards for grant eligibility, and procedures and criteria for evaluating  
23 applications and awarding grants under this subsection.

24



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4078/

PJK/ARG/MGG:.....

RMR

LPS-check  
auto refs

Wed

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 BILL

Draft

Gen

- 1 AN ACT ...; relating to: allocation of national mortgage foreclosure settlement
- 2 proceeds and making appropriations. ✓

*Analysis by the Legislative Reference Bureau*

Of the moneys received by the state as a result of the national mortgage foreclosure settlement, \$25,600,000 will be deposited in the general fund as general purpose revenue (GPR). ✓ This bill allocates that GPR as follows:

1. The Department of Children and Families must provide ✓ \$10,000,000 in additional aid under its emergency assistance to needy persons program to eligible persons who are homeless or facing impending homelessness due to natural disaster or foreclosure.

2. The Department of Financial Institutions ✓ must provide \$10,000,000 ✓ in grants to assist nonprofit organizations and governmental bodies for the purpose of foreclosure mediation and foreclosure prevention. ✓

✓  
INSERT  
ANL →

4. The Department of Agriculture, Trade and Consumer Protection ✓ (DATCP) must provide a grant of \$1,600,000 ✓ to the Tenant Resource Center (TRC) in Madison to enable the TRC to expand its operations statewide, establish physical offices in the five counties with the highest rates of foreclosure, ✓ and provide services related to foreclosure prevention and tenant mediation. DATCP must first approve ✓ a plan submitted by the TRC for the use of the funds, and the TRC must submit to DATCP, within six months of using the funds, a report detailing how the funds were used.

\* 5. The Director of State Courts must provide a grant of \$1,000,000 ✓ to the Milwaukee Foreclosure Mediation Program (MFMP) for its general operations. The

MFMP must enter into an agreement with the ~~Director~~ of ~~State~~ ~~Courts~~ that specifies the conditions for the use of the funds, and the MFMP must submit to the ~~Director~~ of ~~State~~ ~~Courts~~, within six months of using the funds, a report detailing how the funds were used. \*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2011-12      2012-13

20.144 Financial institutions, department of

(1) SUPERVISION OF FINANCIAL INSTITUTIONS,  
REGULATION ← CS  
SECURITIES REG. AND OTHER FUNCTIONS

(b) Grants from national mortgage

settlement funds      GPR      B ✓      10,000,000      -0-

SECTION 2. 20.115 (1) (dy) of the statutes is created to read:

20.115 (1) (dy) Tenant resource center grant. The amount <sup>s</sup> in the schedule for the grant under 2011 Wisconsin Act .... (this act), section 9103 (1).

SECTION 3. 20.115 (1) (dy) of the statutes, as created by 2011 Wisconsin Act ....

(this act), is repealed.

SECTION #. CR; 20.144 (1) (b) Grants from national mortgage settlement funds. Biennially, the amounts in the schedule for the purpose of awarding grants under 2011 Wisconsin

Act .... (this act), section 9117 (1).

SECTION 4. 20.144 (1) (b) of the statutes, as created by 2011 Wisconsin Act ....

(this act), is repealed.

← INSERT  
2-18 ✓

1           **SECTION 5.** 20.680 (2) (dy) of the statutes is created to read:

2           20.680 (2) (dy) *Foreclosure mediation program grant*. The amount<sup>s</sup> in the  
3 schedule for the grant under 2011 Wisconsin Act .... (this act), section 9145 (1). *a.s.*

4           **SECTION 6.** 20.680 (2) (dy) of the statutes, as created by 2011 Wisconsin Act ....  
5 (this act), is repealed. *← INSERT 2-5*

6           **SECTION 7.** 227.01 (13) (zz) of the statutes is created to read:

7           227.01 (13) (zz) Relates to grants awarded under 2011 Wisconsin Act .... (this  
8 act), section 9117 (1). *a.s.*

9           **SECTION 8.** 227.01 (13) (zz) of the statutes, as created by 2011 Wisconsin Act  
10 .... (this act), is repealed.

11           **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**  
12 **Consumer Protection.**

13           (1) TENANT RESOURCE CENTER GRANT. From the appropriation under section  
14 20.115 (1) (dy) of the statutes, as created by this act, the ~~Department of Agriculture,~~  
15 ~~Trade and Consumer Protection~~ shall make a grant to the ~~Tenant Resource Center~~  
16 in Madison in the amount of \$1,600,000 if all of the following apply: ✓

17           (a) The Tenant Resource Center agrees in writing to use the grant proceeds for  
18 all of the following purposes:

19           1. To expand its operations statewide.

20           2. To establish physical office locations in the <sup>25</sup>(five) counties that have the  
21 highest foreclosure rates per capita on the effective date of this subdivision. ✓

22           3. To provide services related to foreclosure prevention and tenant mediation.

23           (b) The Tenant Resource Center submits a plan to ~~Department of Agriculture,~~  
24 ~~Trade and Consumer Protection~~ detailing the proposed use of the grant proceeds and  
25 the ~~Secretary of Agriculture, Trade and Consumer Protection~~ approves the plan.



(c) The Tenant Resource Center enters into a written agreement with the Department of Agriculture, Trade and Consumer Protection that specifies the conditions for the use of the grant proceeds, including reporting and auditing requirements.

(d) The Tenant Resource Center agrees in writing to submit to the Department of Agriculture, Trade and Consumer Protection, within 6 months after spending the full amount of the grant proceeds, a report detailing how the proceeds were used.

**SECTION 9117. Nonstatutory provisions; Financial Institutions.**

(1) GRANTS FROM NATIONAL MORTGAGE SETTLEMENT FUNDS.

(a) In this subsection:

1. "Department" means the department of financial institutions.

2. "Governmental body" has the meaning given in section 19.82 (1) of the statutes.

3. "Nonprofit organization" has the meaning given in section 108.02 (19) of the statutes.

(b) From the appropriation under section 20.144 (1) (b) of the statutes, as created by this act, in the 2011-2013 fiscal biennium, the department shall award grants to assist nonprofit organizations and governmental bodies for the purpose of foreclosure mediation and foreclosure prevention. To the extent possible, these grants shall be funded from this state's share of proceeds from the national mortgage settlement on or about February 9, 2012, that are deposited into the general fund.

(c) The department shall establish a form and procedure for grant applications, standards for grant eligibility, and procedures and criteria for evaluating applications and awarding grants under this subsection.

**SECTION 9145. Nonstatutory provisions; Supreme Court.**

(1) FORECLOSURE MEDIATION PROGRAM GRANT. From the appropriation under section 20.680 (2) (dy) of the statutes, as created by this act, the ~~D~~irector of ~~S~~tate ~~C~~ourts shall make a grant in the amount of \$1,000,000 to the Milwaukee Foreclosure Mediation Program to be used for the general operating expenses of the program. The Milwaukee Foreclosure Mediation Program shall enter into a written agreement with the ~~D~~irector of ~~S~~tate ~~C~~ourts that specifies the conditions for the use of the grant proceeds, including reporting and auditing requirements, and under which the Milwaukee Foreclosure Mediation Program agrees to submit to the ~~D~~irector of ~~S~~tate ~~C~~ourts, within 6 months after spending the full amount of the grant proceeds, a report detailing how the proceeds were used.

**SECTION 9155. Nonstatutory provisions; Other.**

(1) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) (gc) of the statutes does not apply to the action of the legislature in enacting this act.

**SECTION 9208. Fiscal changes; Children and Families.**

(1) EMERGENCY ASSISTANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the ~~D~~epartment of ~~C~~hildren and ~~F~~amilies under section 20.437 (2) (dz) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$10,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to provide aid under section 49.138 of the statutes to eligible persons who are homeless or facing impending homelessness due to foreclosure or natural disaster.

**SECTION 9400. Effective dates; general.** Except as otherwise provided in SECTIONS 9403 to 9453 of this act, this act takes effect on the day after publication.

← INSERT 5-22

45

**SECTION 9403. Effective dates; Agriculture, Trade and Consumer Protection.**

(1) TENANT RESOURCE CENTER GRANT. The repeal of section 20.115 (1) (dy) of the statutes takes effect on July 1, 2013.

**SECTION 9417. Effective dates; Financial Institutions.**

(1) GRANTS BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS. The repeal of sections 20.144 (1) (b) and 227.01 (13) (zz) of the statutes takes effect on July 1, 2013.

**SECTION 9445. Effective dates; Supreme Court.**

(1) FORECLOSURE MEDIATION PROGRAM GRANT. The repeal of section 20.680 (2) (dy) of the statutes takes effect on July 1, 2013.

**(END)**

D-note

2009

Insert ~~2-3~~ 2-3

File With Statute **20.005 (3)** Schedule

LRB 4078 / 11

PJR : :

**\$\$\$ SCHEDULE**

In the component bar:

For the action phrase, execute: ..... create → action: → ch20

For the table layout, execute: ..... create → <Table> → \$sched

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
insert the following amounts for the purposes indicated:

2011-12 2012-13  
~~2009-10~~ ~~2010-11~~

20. 115 . Agriculture, trade and consumer protection, department of ..... (B)

(1) Food safety and consumer protection ..... (CS)

(dy) Tenant resource  
center grant

..... GPR A ..... -0- .1.,600,000

20. .... (end of ins 2-3)

( ) .....

( ) .....

2009

Insert 28 ~~28~~

File With Statute **20.005 (3)** Schedule

LRB 4078 11

PSK : :

\$\$\$ SCHEDULE

In the component bar:

For the action phrase, execute: ..... create → action: → ch20

For the table layout, execute: ..... create → <Table> → \$sched

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
insert the following amounts for the purposes indicated:

2011-12 2012-13  
2009-10 2010-11  
A A

20. 680 ..... Supreme court ← (B)

(2) Director of state courts ← (CS)

dy (dy) Foreclosure (ND #)  
mediation program

grant ..... GPR A ... -0- 1,000,000  
(end of ins 2-8)

20. \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4078/?ins  
MGG:.....

**Insert ANL**

3. The Department of Veterans Affairs must provide \$3,000,000 in housing vouchers for chronically homeless veterans and in grants to veterans for preventing foreclosures on veterans' primary residences.

**Insert 2-8 MGR**

Veterans affairs, department of

2011-12

2012-13

20.485

(2) LOANS AND AIDS TO VETERANS

(b) Housing assistance for veterans

GPR

3,000,000

-0-

**Insert 2-18**

**SECTION 1.** 20.485 (2) (b) of the statutes is amended to read:

20.485 (2) (b) Housing vouchers for homeless assistance for veterans. From the general fund, as a continuing appropriation, the amounts in the schedule to provide housing vouchers to chronically

homeless veterans under s. 45.03 (13) (k) and to provide grants to veterans for

foreclosure prevention under s. 45.03 (13) (km). ~~No moneys may be encumbered from~~

~~the appropriation under this paragraph after June 30, 2007.~~

*History:* 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42; 2005 a. 22, 25, 254, 468; 2007 a. 20; 2009 a. 28, 177; 2011 a. 32.

**Insert 2-5**

**SECTION 2.** 45.03 (13) (k) (intro.) and 1. of the statutes are consolidated, renumbered 45.03 (13) (k) and amended to read:

45.03 (13) (k) Provide \$117,300 in 2005-06 and \$117,300 in 2006-07 to a housing authority in a 1st class city in a county with a population of at least 500,000

to ~~supplement the housing costs of funding to distribute housing vouchers to~~  
chronically homeless veterans and their families if ~~the housing authority does all of~~

the following:

1. ~~Provides~~ An organization is eligible to administer a program to distribute the  
vouchers if the organization provides evidence that the money will be used to provide  
multi-family rental housing for individuals and families that contain at least one  
veteran who has been chronically homeless.

SECTION 3. 45.03 (13) (k) 2. and 3. of the statutes are repealed.

SECTION 4. 45.03 (13) (km) of the statutes is created to read:

45.03 (13) (km) Administer a program under which grants will be awarded to  
veterans for the purposes of assisting veterans in preventing foreclosure on their  
primary residences. Notwithstanding 227.10 (1), eligibility guidelines for veterans  
receiving grants and other requirements for the program shall not be promulgated  
as a rule under ch. 227.

(end ins 2-5)

2007

Nonstat File Sequence:

DDD

LRB 4078 1

M66: :

\$\$\$ CHANGE

INSERT 5-22

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → \$change

For the budget action phrase, execute: .... create → action: → \*NS: → 92XX

For the text, execute: ..... create → text: → \*NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # 92 53 7

Fiscal changes; VETERANS

AFFAIRS

(#1) (1) ~~HOM. HOUSING~~ HOUSING AND FORE-  
CLOSURE ASSISTANCE

In the schedule under section  
20.005 (3) of the statutes for the appropriation to the department  
of veterans affairs

under section 20.485... (2) (b) of the statutes, as affected by the acts of  
2011

2005, the dollar amount is un creased by \$ 30.3, 0.00, 0.00 for fis-  
cal year 2007-08 2011-2012 and the dollar amount is ... creased

by \$ ... for fiscal year 2008-09 [to in crease funding

for the (purpose) purposes for which the appropriation is made] to ... crease fund-  
ing for

\* Use the 2nd alternative if the purpose of the increase or decrease is more lim-  
ited than the purpose or purposes of the appropriation as currently shown  
in the text of ch. 20, stats.

(end ins 5-22)



2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4078/lins  
PJK:.....

INSERT JDY (to insert 5-22)

text: \*NS: \$ change

department of veterans affairs

HOUSING AND FORECLOSURE ASSISTANCE ← (CS)  
In the schedule under section 20.005 (3) of the statutes for the appropriation to the ~~XXXXXX~~ under section 20. ~~000~~ <sup>485</sup> (1) (1) of the statutes, as affected by the acts of 2011, the dollar amount is ~~increased~~ <sup>in</sup> by \$ ~~XXXXXX~~ <sup>3,000,000</sup> for the first fiscal year of the fiscal biennium in which this subsection takes effect to ~~XXXXXX~~. In the schedule under section 20.005 (3) of the statutes for the appropriation to the ?????? under section 20.??? (?) (?) of the statutes, as affected by the acts of 2011, the dollar amount is ??creased by \$??,???,??? for the second fiscal year of the fiscal biennium in which this subsection takes effect to ?????.

(end ins JDY to insert 5-22)

LPS - insert not checked in. please create component + type in changes.

increase funding for the purposes for which the appropriation is made.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4078/1

PJK:.....

date

jld

Article IV, section 18 of the Wisconsin Constitution prohibits the legislature from passing a "private or local law" that has more than one subject. It is possible that the grant to the Tenant Resource Center and the grant to the Milwaukee Foreclosure Mediation Program would both be considered private or local laws, since they are specific to an organization. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." I think both of these exceptions could certainly apply in this case. I just wanted you to be aware of the issue, and to know that both grants could be drafted as separate, single-subject legislation, if necessary.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4078/1dn  
PJK:jld:jm

February 15, 2012

Article IV, section 18 of the Wisconsin Constitution prohibits the legislature from passing a "private or local law" that has more than one subject. It is possible that the grant to the Tenant Resource Center and the grant to the Milwaukee Foreclosure Mediation Program would both be considered private or local laws, since they are specific to an organization. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." I think both of these exceptions could certainly apply in this case. I just wanted you to be aware of the issue, and to know that both grants could be drafted as separate, single-subject legislation, if necessary.

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Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**Barman, Mike**

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**From:** McGinnis, Cindy

**Sent:** Thursday, February 16, 2012 1:31 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-4078/1 Topic: Various appropriations of GPR for foreclosure and housing purposes

Please Jacket LRB 11-4078/1 for the ASSEMBLY.

2/16/2012



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4078/2

PJK/ARG/MGG:jld:jm

stays rmis run

2011 BILL

today

Regen

1 AN ACT *to repeal* 20.115 (1) (dy), 20.144 (1) (b), 20.680 (2) (dy), 45.03 (13) (k) 2.  
2 and 3. and 227.01 (13) (zz); *to consolidate, renumber and amend* 45.03 (13)  
3 (k) (intro.) and 1.; *to amend* 20.485 (2) (b); and *to create* 20.115 (1) (dy), 20.144  
4 (1) (b), 20.680 (2) (dy), 45.03 (13) (km) and 227.01 (13) (zz) of the statutes;  
5 **relating to:** allocation of national mortgage foreclosure settlement proceeds  
6 and making appropriations.

---

***Analysis by the Legislative Reference Bureau***

Of the moneys received by the state as a result of the national mortgage foreclosure settlement, \$25,600,000 will be deposited in the general fund as general purpose revenue (GPR). This bill allocates that GPR as follows:

1. The Department of Children and Families must provide \$10,000,000 in additional aid under its emergency assistance to needy persons program to eligible persons who are homeless or facing impending homelessness due to natural disaster or foreclosure.

2. The Department of Financial Institutions must provide \$10,000,000 in grants to assist nonprofit organizations and governmental bodies for the purpose of foreclosure mediation and foreclosure prevention.

3. The Department of Veterans Affairs must provide \$3,000,000 in housing vouchers for chronically homeless veterans and in grants to veterans for preventing foreclosures on veterans' primary residences.

**BILL**

4. The Department of Agriculture, Trade and Consumer Protection (DATCP) must provide a grant of \$1,600,000 to the Tenant Resource Center (TRC) in Madison to enable the TRC to expand its operations statewide, establish physical offices in the five counties with the highest rates of foreclosure, and provide services related to foreclosure prevention and tenant mediation. DATCP must first approve a plan submitted by the TRC for the use of the funds, and the TRC must submit to DATCP, within six months of using the funds, a report detailing how the funds were used.

5. The director of state courts must provide a grant of \$1,000,000 to the Milwaukee Foreclosure Mediation Program (MFMP) for its general operations. The MFMP must enter into an agreement with the director of state courts that specifies the conditions for the use of the funds, and the MFMP must submit to the director of state courts, within six months of using the funds, a report detailing how the funds were used.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

	2011-12	2012-13
3		
4	<b>20.115</b>	<b>Agriculture, trade and consumer</b>
5		<b>protection, department of</b>

6           (1)   **FOOD SAFETY AND CONSUMER PROTECTION**

7	(dy)   Tenant Resource Center grant	GPR A	-0-	1,600,000
---	-------------------------------------	-------	-----	-----------

8           **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
9           the following amounts for the purposes indicated:

	2011-12	2012-13
--	---------	---------

**BILL****20.144 Financial institutions, department of**

(1) SUPERVISION OF FINANCIAL INSTITUTIONS,  
SECURITIES REGULATION AND OTHER FUNCTIONS

(b) Grants from national mortgage

settlement funds                      GPR      B      10,000,000                      -0-

**SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
the following amounts for the purposes indicated:

**2011-12                      2012-13**

**20.680 Supreme court**

(2) DIRECTOR OF STATE COURTS

(dy) Foreclosure mediation program

grant                                      GPR A                                      -0-                      1,000,000

**SECTION 4.** 20.115 (1) (dy) of the statutes is created to read:

20.115 (1) (dy) *Tenant Resource Center grant*. The amounts in the schedule for  
the grant under 2011 Wisconsin Act .... (this act), section 9103 (a.r.).

**SECTION 5.** 20.115 (1) (dy) of the statutes, as created by 2011 Wisconsin Act ....  
(this act), is repealed.

**SECTION 6.** 20.144 (1) (b) of the statutes is created to read:

20.144 (1) (b) *Grants from national mortgage settlement funds*. Biennially, the  
amounts in the schedule for the purpose of awarding grants under 2011 Wisconsin  
Act .... (this act), section 9117 (1).

**SECTION 7.** 20.144 (1) (b) of the statutes, as created by 2011 Wisconsin Act ....  
(this act), is repealed.

**SECTION 8.** 20.485 (2) (b) of the statutes is amended to read:

(see p. 5)

# auto ref A

**BILL****SECTION 8**

1           20.485 (2) (b) ~~*Housing vouchers for homeless assistance for veterans.*~~ From the  
2           general fund, as a continuing appropriation, the amounts in the schedule to provide  
3           housing vouchers to chronically homeless veterans under s. 45.03 (13) (k).—No  
4           moneys may be encumbered from the appropriation under this paragraph after June  
5           30, 2007 and to provide grants to veterans for foreclosure prevention under s. 45.03  
6           (13) (km).

7           **SECTION 9.** 20.680 (2) (dy) of the statutes is created to read:

8           20.680 (2) (dy) *Foreclosure mediation program grant.* The amounts in the  
9           schedule for the grant under 2011 Wisconsin Act .... (this act), section 9145 (1).

10          **SECTION 10.** 20.680 (2) (dy) of the statutes, as created by 2011 Wisconsin Act  
11          .... (this act), is repealed.

12          **SECTION 11.** 45.03 (13) (k) (intro.) and 1. of the statutes are consolidated,  
13          renumbered 45.03 (13) (k) and amended to read:

14          45.03 (13) (k) ~~Provide \$117,300 in 2005-06 and \$117,300 in 2006-07 to a~~  
15          ~~housing authority in a 1st class city in a county with a population of at least 500,000~~  
16          ~~to supplement the housing costs of~~ funding to distribute housing vouchers to  
17          chronically homeless veterans and their families if the housing authority does all of  
18          the following: 1. Provides. An organization is eligible to administer a program to  
19          distribute the vouchers if the organization provides evidence that the money will be  
20          used to provide ~~multi-family rental~~ housing for individuals and families that contain  
21          at least one veteran who has been chronically homeless.

22          **SECTION 12.** 45.03 (13) (k) 2. and 3. of the statutes are repealed.

23          **SECTION 13.** 45.03 (13) (km) of the statutes is created to read:

24          45.03 (13) (km) Administer a program under which grants will be awarded to  
25          veterans for the purposes of assisting veterans in preventing foreclosure on their



**BILL**

1 primary residences. Notwithstanding 227.10 (1), eligibility guidelines for veterans  
2 receiving grants and other requirements for the program shall not be promulgated  
3 as a rule under ch. 227.

4 **SECTION 14.** 227.01 (13) (zz) of the statutes is created to read:

5 227.01 (13) (zz) Relates to grants awarded under 2011 Wisconsin Act .... (this  
6 act), section 9117 (1).

7 **SECTION 15.** 227.01 (13) (zz) of the statutes, as created by 2011 Wisconsin Act  
8 .... (this act), is repealed.

9 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**  
10 **Consumer Protection.** *auto ref A*

11 (1) TENANT RESOURCE CENTER GRANT. From the appropriation under section  
12 20.115 (1) (dy) of the statutes, as created by this act, the department of agriculture,  
13 trade and consumer protection shall make a grant to the Tenant Resource Center in  
14 Madison in the amount of \$1,600,000 if all of the following apply:

15 (a) The Tenant Resource Center agrees in writing to use the grant proceeds for  
16 all of the following purposes:

17 1. To expand its operations statewide.  
18 2. To establish physical office locations in the 5 counties that have the highest  
19 foreclosure rates per capita on the effective date of this subdivision.

20 3. To provide services related to foreclosure prevention and tenant mediation.

21 (b) The Tenant Resource Center submits a plan to department of agriculture,  
22 trade and consumer protection detailing the proposed use of the grant proceeds and  
23 the secretary of agriculture, trade and consumer protection approves the plan.

24 (c) The Tenant Resource Center enters into a written agreement with the  
25 department of agriculture, trade and consumer protection that specifies the

**BILL**

1 conditions for the use of the grant proceeds, including reporting and auditing  
2 requirements.

3 (d) The Tenant Resource Center agrees in writing to submit to the department  
4 of agriculture, trade and consumer protection, within 6 months after spending the  
5 full amount of the grant proceeds, a report detailing how the proceeds were used.

6 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

7 (1) GRANTS FROM NATIONAL MORTGAGE SETTLEMENT FUNDS.

8 (a) In this subsection:

9 1. "Department" means the department of financial institutions.

10 2. "Governmental body" has the meaning given in section 19.82 (1) of the  
11 statutes.

12 3. "Nonprofit organization" has the meaning given in section 108.02 (19) of the  
13 statutes.

14 (b) From the appropriation under section 20.144 (1) (b) of the statutes, as  
15 created by this act, in the 2011-13 fiscal biennium, the department shall award  
16 grants to assist nonprofit organizations and governmental bodies for the purpose of  
17 foreclosure mediation and foreclosure prevention. To the extent possible, these  
18 grants shall be funded from this state's share of proceeds from the national mortgage  
19 settlement on or about February 9, 2012, that are deposited into the general fund.

20 (c) The department shall establish a form and procedure for grant applications,  
21 standards for grant eligibility, and procedures and criteria for evaluating  
22 applications and awarding grants under this subsection.

23 **SECTION 9145. Nonstatutory provisions; Supreme Court.**

24 (1) FORECLOSURE MEDIATION PROGRAM GRANT. From the appropriation under  
25 section 20.680 (2) (dy) of the statutes, as created by this act, the director of state

**BILL**

1 courts shall make a grant in the amount of \$1,000,000 to the Milwaukee Foreclosure  
2 Mediation Program to be used for the general operating expenses of the program.  
3 The Milwaukee Foreclosure Mediation Program shall enter into a written agreement  
4 with the director of state courts that specifies the conditions for the use of the grant  
5 proceeds, including reporting and auditing requirements, and under which the  
6 Milwaukee Foreclosure Mediation Program agrees to submit to the director of state  
7 courts, within 6 months after spending the full amount of the grant proceeds, a report  
8 detailing how the proceeds were used.

**SECTION 9155. Nonstatutory provisions; Other.**

10 (1) REQUIRED GENERAL FUND BALANCE. Section 20.003 (4) (gc) of the statutes does  
11 not apply to the action of the legislature in enacting this act.

**SECTION 9208. Fiscal changes; Children and Families.**

13 (1) EMERGENCY ASSISTANCE. In the schedule under section 20.005 (3) of the  
14 statutes for the appropriation to the department of children and families under  
15 section 20.437 (2) (dz) of the statutes, as affected by the acts of 2011, the dollar  
16 amount is increased by \$10,000,000 for the second fiscal year of the fiscal biennium  
17 in which this subsection takes effect to provide aid under section 49.138 of the  
18 statutes to eligible persons who are homeless or facing impending homelessness due  
19 to foreclosure or natural disaster.

**SECTION 9253. Fiscal changes; Veterans Affairs.**

21 (1) HOUSING AND FORECLOSURE ASSISTANCE. In the schedule under section 20.005  
22 (3) of the statutes for the appropriation to the department of veterans affairs under  
23 section 20.485 (2) (b) of the statutes, as affected by the acts of 2011, the dollar amount  
24 is increased by \$3,000,000 for the first fiscal year of the fiscal biennium in which this

**BILL**

1 subsection takes effect to increase funding for the purposes for which the  
2 appropriation is made.

3 **SECTION 9400. Effective dates; general.** Except as otherwise provided in  
4 SECTIONS 9403 to 9445 of this act, this act takes effect on the day after publication.

5 **SECTION 9403. Effective dates; Agriculture, Trade and Consumer**  
6 **Protection.**

7 (1) TENANT RESOURCE CENTER GRANT. The repeal of section 20.115 (1) (dy) of the  
8 statutes takes effect on July 1, 2013.

9 **SECTION 9417. Effective dates; Financial Institutions.**

10 (1) GRANTS BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS. The repeal of sections  
11 20.144 (1) (b) and 227.01 (13) (zz) of the statutes takes effect on July 1, 2013.

12 **SECTION 9445. Effective dates; Supreme Court.**

13 (1) FORECLOSURE MEDIATION PROGRAM GRANT. The repeal of section 20.680 (2) (dy)  
14 of the statutes takes effect on July 1, 2013.

15 (END)